

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 00-076

**MANDATORY PENALTY
IN THE MATTER OF
LAS GALLINAS VALLEY SANITARY DISTRICT
SAN RAFAEL
MARIN COUNTY**

This complaint assesses Mandatory Penalties pursuant to Water Code section 13385(h) and (i) is issued to the Las Gallinas Valley Sanitary District (hereinafter the Discharger) based on a finding of a violation of Waste Discharger Requirements Order No. 98-112 (NPDES No. CA0037851). The Executive Officer finds the following:

1. On October 21, 1998, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 98-112 (NPDES No. CA0037851), for Las Gallinas Valley Sanitary District, to regulate discharges of waste from the wastewater treatment plant.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code section 13385(i)(2) states: A MMP of three thousand dollars (\$3,000) shall be assessed for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:
 - a. Exceeds a waste discharge requirement effluent limitation;
 - b. Fails to file a report pursuant to Section 13260;
 - c. Files an incomplete report pursuant to Section 13260;
 - d. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
4. Order No. 98-112 includes the following effluent limitations:

**B. Effluent Limitations
Concentration Criteria for Toxic Pollutants**

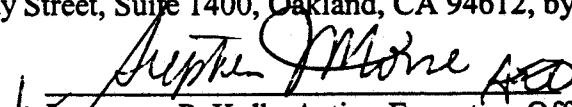
The Las Gallinas Valley Sanitary District treatment plant shall not exceed the following concentration limits:

| Constituent | Daily Avg. | Weekly Avg. | Daily Maximum |
|-------------|---------------|----------------|------------------|
| Zinc | 93 (ug/L) | --- | --- |
| Cyanide | 5 (ug/L) | --- | --- |
| TSS | --- | 18 (mg/L) | 20 (mg/L) |

5. According to monitoring reports submitted by the Discharger, the Discharger had one (1) serious violation and four (4) chronic violations during the six-month period beginning January 1, 2000, and ending on June 30, 2000 (see attached table). The amount of the mandatory penalty for the serious violations is \$3,000 (1 violation * \$3,000). The amount of the mandatory penalty for the chronic violations is \$12,000 (4 * \$3,000).
6. The total amount of the mandatory penalty is \$15,000.

**LAS GALLINAS VALLEY SANITARY DISTRICT IS HEREBY GIVEN NOTICE
THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$15,000.
2. A hearing shall be held by the Regional Board on October 18, 2000 unless the Discharger agrees to waive the hearing and pay the mandatory penalty of \$15,000 in full.
3. In lieu of the mandatory penalty for the first serious violation the Executive Officer may allow the Discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer. The Discharger must make such a request by October 6, 2000.
4. The Discharger may waive the right to a hearing. If the discharger wishes to waive the hearing, please check the appropriate box and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty, or a proposal pursuant to paragraph 3 above, to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612, by October 6, 2000.


Lawrence P. Kolb, Acting Executive Officer
9/22/00
Date

WAIVER

- [] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-076 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Acting Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed under Complaint No. 00-076 by October 6, 2000.
- [] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-076 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 30 days of a letter from the Executive Officer denying approval of the proposed project. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer within a time schedule set by the Executive Officer.

Name (print)

Signature

Date

Title/Organization

LAS GALLINAS VALLEY SANITARY DISTRICT

VIOLATIONS

| TYPE OF 709 VIOLATION | DATE | POLLUTANT | EFFLUENT LIMIT | REPORTED VALUE | COMMENTS |
|----------------------------------|-----------|-------------------|----------------------|----------------|---|
| S, C1 | 2-Jan | Zinc | 93 ug/L | 130 ug/L | drinking water is the source for elevated zinc (influent [C] = 290 ug/L) |
| C2 | 4-Jan | Cyanide | 5.0 ug/L | 5.7 ug/L | RV is the average of 3 split samples. The samples = 7, <3, and 7 ug/L |
| N | 28-Jan | Settleable Solids | 3 samples/week | 2 samples/week | Discharger concerned CN may be artifact of analytical test (influent [C] = 3 ug/L not an effluent violation (as defined by SB709), this is a monitoring error |
| C3 | 28-Feb | Chlorine Residual | 0.0 mg/L | 0.3 mg/L | immediately diverted flow into Storage Pond #1, properly dechlorinated, and then discharged |
| No Violations | | | | | |
| March | | | | | |
| No Violations | | | | | |
| April | | | | | |
| C4 | 2-May | Zinc | 93 ug/L | 110 ug/L | drinking water is the source for elevated zinc (influent [C] = 190 ug/L) |
| C5 | 3-May | TSS | 18 mg/L (weekly avg) | 19.9 mg/L | Not 40% above limit; conducted projects to prepare for Reclamation, taking equipment off-line resulted in TSS violations |
| C6 | 3-May | TSS | 20 mg/L (daily max) | 22.9 mg/L | |
| C7 | 15-May | TSS | 20 mg/L (daily max) | 20.9 mg/L | |
| No Violations | May 16-31 | | | | No discharge, Reclamation |
| No Violations | | | | | |
| June | | | | | |
| No Violations | | | | | |
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California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

TO: Lawrence Kolb
Acting Executive Officer

FROM: 
Gina Kathuria
Associate Engineer

DATE: September 15, 2000

SUBJECT: MANDATORY MINIMUM PENALTY (MMP) FOR LAS GALLINAS
VALLEY SANITATION DISTRICT (LGVSD)

SUMMARY OF VIOLATIONS

Serious Violations, as defined by Section 13385(h) of the California Water Code

Attached is a table detailing each serious violation including type of violation, permit limit, and reported value. From January 2000 through June 2000, LGVSD exceeded its zinc limit by more than 20% on one (1) occasion, thus the District is subject to penalties under Section 13385(h).

Chronic Violations, as defined by Section 13385(i) of the California Water Code

Attached is a table detailing each chronic violation including type of violation, permit limit, and reported value. From January 2000 through June 2000, LGVSD exceeded its total suspended solids (TSS), cyanide, and zinc on seven (7) occasions, thus the District is subject to penalties under Section 13385(i).

For the following reasons I recommend we impose only the minimum penalty for these permit violations:

1. There are definitely both serious and chronic violations of their NPDES permit limits, see attached table for details. This was not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention that these violations did not occur.
2. There was only one (1) serious violation, as defined by Section 13385(h), during the first six months of 2000. The zinc violation exceeded the effluent limitation by 20 percent or more. Zinc is a Group II pollutant. For a Group II pollutant, a serious violation means exceedance of the effluent limitation by 20 percent or more.

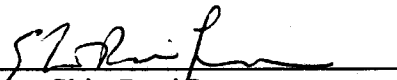
California Environmental Protection Agency

3. These were seven (7) chronic violations, as defined by Section 13385(i), during the first six months of 2000.
4. In May, Board staff was notified that LGVSD would be conducting reclamation preparation projects. The projects include:
 - a. Taking the Deep Bed Filters off-line to inspect the charcoal beds, fix a stuck valve;
 - b. Calibrating flow meters; and
 - c. Working on the Fixed Film Reactor flushing out the media.

Taking the equipment off-line resulted in three (3) chronic violations of the TSS permit limit during the month of May.

5. **Calculation of Penalties for Serious Violations.** Section 13385(h) states, "A MMP of three thousand dollars (\$3,000) shall be assessed for the first serious violation..." As illustrated in the table, one (1) serious violation was reported. Therefore the MMP for the serious violation is \$3,000.
6. **Calculation of Penalties for Chronic Violations.** Section 13385(i) states, "A MMP of three thousand dollars (\$3,000) shall be assessed for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period: (a) exceeds a waste discharge requirement effluent limitation, (b) fails to file a report pursuant to Section 13260, (c) files an incomplete report pursuant to Section 13260, (d) exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants." As illustrated in the table, four (4) chronic violations were reported. Mandatory penalties are assessed only for the forth and subsequent violations. Therefore the MMP for chronic violations is \$12,000 ((7-3) @ \$3,000/each) or (4 @ \$3,000/each).

If you have any questions please call me at 622-2378.

CONCUR: 
Shin-Roei Lee
Section Leader

DATE: 9/21/00

CONCUR: 
Teng-chung Wu
Division Chief

DATE: 9/22/00